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C O N F I D E N T I A L SECTION 01 OF 02 BAGHDAD 000877

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SUBJECT: IRAQI SUNNI BLOC MEMBERS DISCUSS PROGRESS, POINTS
OF CONTENTION IN CONSTITUTIONAL REVIEW COMMITTEE

Classified by Deputy Political Counselor Charles O. Blaha per
1.4 (b) and (d).

¶1. (C) SUMMARY: Sunni Tawafuq bloc members Salim al-Jabbouri (Iraqi Islamic Party, IIP) and Hussein al-Falluji (Iraqi People's Conference, IPC) discussed their impressions of the Constitutional Review Committee (CRC) with Poloffs on March 7 and 11, respectively. Jabbouri traveled with a cross-sectarian CRC delegation on a UN-sponsored trip to Spain, Germany, and the United Arab Emirates, while Falluji traveled with a CRC delegation on a UN-sponsored trip to Malaysia, which later joined the first delegation in Dubai.

¶2. (C) SUMMARY CONTINUED: Both men thought the trips had brought Shiite Itilaf bloc and Tawafuq members closer to agreement on a number of issues. Jabbouri said the areas of conflict include the powers of the regions (articles 114-115), the identity of the state (article 3), and oil and gas revenue distribution (article 112). Falluji also said the powers of the regions and oil wealth distribution are areas of contention. Falluji and senior IIP member Ayad Samarraie (who was a member of the same delegation as Jabbouri) cited the future status of Kirkuk and other disputed territories (article 140) as another major area of contention (septel). Falluji worried that the CRC would not work seriously on the issues until the last minute, resulting in a draft that committee members would be asked to agree to at the last minute. He urged the USG to pressure the committee to work. END SUMMARY.

Jabbouri Fears Areas of Contention Will Halt Whole Process

¶3. (C) Jabbouri said he visited Germany, Spain, and Dubai as part of the CRC delegation. He said the Kurdish members of the delegation did not attend the meetings in Dubai. Jabbouri claimed that Itilaf and Tawafuq members are in 70 percent agreement on the issues. For example, he said, Tawafuq agrees that federalism is acceptable, as long as it is the "proper kind." He noted that he liked the German model of federalism and asked for an Arabic version of the German law. He said Tawafuq and Itilaf agree that the judicial structure and Federation Council need to be more precisely defined.

¶4. (C) Jabbouri said he feared the 30 percent of the issues where there is disagreement will prevent the CRC from getting anything done. He said the areas of conflict include the powers of the regions (articles 114-115), the identity of the state (article 3), and oil and gas revenue distribution (article 112).

Falluji Fears that CRC Will Repeat Past Mistakes

¶5. (C) Falluji said his delegation had a productive 11-day

trip to Malaysia. He said Malaysia is similar to Iraq in that it has a diverse population with an uneven distribution of natural resources, and he thought its model of federalism and resource-sharing was a good example for Iraq. Falluji opined that the trip helped show Itilaf members that Tawafuq is not trying to be difficult in its objections to the constitution. He said that the members on his trip, to include Humam Hammoudi (Shia, SCIRI) and Abbas al-Bayati (Shia Independent), agreed that a federalist model where a governorate was the largest region allowed, with the exception of the Kurdistan Regional Government (KRG), was a good model. The KRG would be given special status to be a region, but otherwise, other governorates in Iraq would not be permitted to join together. However, governorates could be divided into smaller administrative units if their constituents desired.

¶16. (C) Falluji said he thought the relationship of the governorates to the central government, the distribution of oil wealth, and Kirkuk would be the controversial issues. Senior IIP leader Ayad Samarraie, who was with the delegation that went to Germany and Spain, told the Ambassador on March 9 that he thought the status of Kirkuk would be the major sticking point in the CRC (septel).

¶17. (C) Discussing the CRC's dynamics, Falluji believes Hammoudi is able to speak with authority and can convince SCIRI leader Abdel Aziz al-Hakim to support his decisions. Falluji thought Bayati is seeking a bigger role in the committee and could be a useful interlocutor on dealing with Kirkuk. He said that Patriotic Union of Kurdistan members, including bloc leader Fuad Masum, needed President Jalal Talabani's approval before they could make decisions. Falluji commented that Samarraie can be an exceptional

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negotiator, but said Samarraie needs U.S. pressure to engage because he does not listen to more junior members of his bloc.

¶18. (C) Falluji said the CRC will resume work when the Council of Representatives goes back in session. Nevertheless, he is worried that the Kurds and Itilaf are going to delay working in earnest in order to force Tawafuq members into last-minute decisions. Falluji also is worried that the decisions about the controversial issues will be referred to the party leaders, negating the CRC's work.

¶19. (C) Falluji complained that the party leaders made last minute decisions when the constitutional review committee worked in 2005. He stressed that the USG needed to pressure the CRC to start working seriously on its review now. He also said bloc leaders need to give decision-making authority to their representatives on the committee. Falluji commented that he thought last year's public input into proposed amendments would be irrelevant. He said he would be happy to publicly support the draft when it is time for the referendum, if the amendments are drafted in earnest and not in the last few days before the deadline.
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